



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

June 24, 2014

VIA OVERNIGHT MAIL

Mr. C.C. "Bud" Grisham
1 Meriwether Pond
Harrison, AR 72602
870-365-0525

RE: Summary of Conference Call on May 21, 2014 between Mr. Bud Grisham & EPA

Mr. Grisham:

This letter is intended to provide a summary of the conference call on Wednesday, May 21, 2014 that included you and John Meyer, Deputy Associate Director, Superfund Division, Region 6, Stephen Tzhone, Remedial Project Manager, Superfund Division, Region 6, and me. This letter includes updates to decisions made during the call.

Status Discussion Concerning the Dioxin Reassessment on the Arkwood site

Mr. Tzhone explained the Dioxin Reassessment Model that applies to the on-going dioxin work at the Arkwood site. He stated that the remedial goals for dioxin were revised downward from 20,000 parts per trillion (ppt) to 664 ppt. Mr. Tzhone indicated that the new dioxin cleanup standard means that all dioxin sites will be reassessed against the new standard. He explained that the first step of the process involves reassessment of the Conceptual Site Model submitted by McKesson Corporation. According to Mr. Tzhone, risk assessors will evaluate risk models to determine the future uses of the property. The risk assessors will identify all affected human receptors and exposure pathways. The risk assessors will also establish decision models. That is, data groups and decision units will be decided. Next, the final agreed-upon risk model which has been decided will be implemented, and sampling of the site will begin. Currently, the federal and state government agencies are commenting again on the Conceptual Site Model resubmitted by McKesson Corporation. Mr. Tzhone believes that dioxin sampling will begin sometime this summer 2014.

The Corrected Deed Notice and Restrictions reduces the legal boundaries of the site from 30 acres to the correct 18-acre size. You asked whether the 12 acres could be sampled first. You explained that the 12 acres consisted of an area of the site located at Old Highway 65 and Old Cricket Road that looks like a "boot." Mr. Meyer explained that the 20,000 ppt level required in the ROD indicates the nature and extent of the edge of the contamination on the site. He indicated further, that with sampling, the extent of the contamination could move to the area that includes the 12 acres. You indicated that the 12-acre area is at a high elevation, upgradient and uphill from the site, outside of the area of plant operations. It is your belief, you stated, that dioxin did not migrate to the elevated areas.

Mr. Tzhone stated that the EPA will continue sampling beyond the summer. He explained that, after the sampling, all exposure pathways will be identified, and the EPA will then either "do nothing" or approve a specific action.

Prospective Buyer and Corrected Deed Notice and Restrictions

You indicated that you had a prospective buyer for the 12-acre area. You explained that you had spent dozens of hours in this area, getting it ready for sale. You informed the EPA that you were not told that with the filing of the corrected deed notice, the EPA would continue to want involvement in the area outside of the 18-acre site defined in the corrected deed notice. You indicated that the prospective buyer intended to pour concrete on part of the 12-acre area. You advised that the intended use was commercial – a convenience store, storage units, a Dollar General store. You indicated that in the "toe of the boat," the prospective buyer intended to construct three to four residential homes.

The conference call discussion turned to the fence. You advised the EPA that according to the reduced boundary size in the corrected deed notice – 18 acres, the fence will have to be moved to the 18-acre boundary lines.

Mr. Meyer explained that with the corrected deed notice, the site was reduced by 12 acres. He indicated, however, that the 12 acres could be investigated for dioxin.

You informed the EPA you were going to "completely back off" from selling the 12-acres. You said that you could not go to a buyer, if the buyer had to talk to Region 6. You said that you had "no intention of having a buyer talk to EPA."

You informed the EPA that you were not going to record the Corrected Deed Notice and Restrictions because the corrected deed notice takes the 12 acres out. You indicated that there was no benefit to having the site reduced by 12 acres, if the area was going to be investigated for dioxin.

You had transmitted your executed and notarized signature on the signature page of the Corrected Deed Notice and Restrictions to me. Because I did not want the Corrected Deed Notice and Restrictions recorded, you requested that I return your executed signature to you by overnight mail.

You informed the EPA that the current fence may not be providing adequate security for the site. You indicated that the gate can be opened and people can easily walk onto the site. Mr. Tzhone explained that there is a site presence and site control at the site. He indicated that McKesson visits the site once a month and checks on the ground water treatment.

EPA Authority to Sample Areas Where Hazardous Substances May Be Present

You asked whether the remaining 55 acres may be sampled for dioxin. Mr. Meyer stated that the EPA would need your approval for access to these acres, if the EPA determined that sampling was appropriate in these areas.


You asked the EPA to state the authority that allows the EPA to enter land that is not part of the site. I informed you that Section 104(a)(4) – (6) of the Superfund law, 42 U.S.C Section 9604(a)(4) – (6) authorizes the EPA to enter property to determine whether hazardous substances are present.

Updates:

1. I returned the unfiled executed notarized signature page to you under a cover letter from me dated May 28, 2014. On May 30, 2014, I received via email a PDF copy of the recorded deed from Judy Jenkins, Deputy County Clerk, Boone County, Arkansas. You informed me on the phone on May 30, 2014 that you had recorded the Corrected Deed Notice and Restrictions, and that you authorized the transmittal of the recorded deed notice from Ms. Jenkins to me via email in PDF format. The file-stamp on the Corrected Deed Notice and Restrictions is May 29, 2014. You indicated that Ms. Jenkins sent a copy of the recorded deed to Jean Mescher, McKesson, as well.
2. In your letter dated May 29, 2014 to me and in phone conversations with me, you requested the relocation of the fence to the corrected boundary lines in the Corrected Deed Notice and Restriction – at the 18-acre boundary line. Jean Mescher informed the EPA that the fence will be relocated in mid-July (see enclosed email from Jean Mescher to Stephen Tzhone and Mark Moix dated June 4, 2014).
3. You advised that you had identified a party who will be cutting timber on the 12-acre portion of what was initially part of the incorrectly defined 30-acre boundary for the site.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Gloria Moran
Assistant Regional Counsel (6RC-S)
Superfund Branch
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202

Enclosure

cc: John Edgcomb w/ enclosure

Moran, Gloria

From: Tzhone, Stephen
Sent: Wednesday, June 04, 2014 2:55 PM
To: Sanchez, Carlos; Meyer, John
Cc: Moran, Gloria; Andrews, Lawrence
Subject: FW: Recorded document - Arkwood -FYI
Attachments: 20140529 Bud Grisham to Moran.pdf; 2014002477 EPA.pdf

From: Mescher, Jean A [mailto:Jean.Mescher@McKesson.com]
Sent: Wednesday, June 04, 2014 2:38 PM
To: Tzhone, Stephen
Cc: 'MOIX@adeq.state.ar.us'
Subject: Re: Recorded document - Arkwood -FYI

Stephen, I received a copy of Bud's letter late yesterday. This morning, I called the surveyor and left a message requesting the survey. Then I called the fencing company and was informed that they are booked until mid-July. They reportedly told Bud this also. We will schedule the fence to be moved in mid-July. Jean

From: Tzhone, Stephen [mailto:tzhone.stephen@epa.gov]
Sent: Wednesday, June 04, 2014 10:31 AM
To: Mescher, Jean A
Cc: Moix, Mark <MOIX@adeq.state.ar.us>
Subject: FW: Recorded document - Arkwood -FYI

Hi Jean,

The EPA received a handwritten letter from Bud Grisham (attached).

Let me know of McKesson's plans on the fence.

Thanks,

Stephen L. Tzhone
Superfund Remedial Project Manager
214.665.8409
tzhone.stephen@epa.gov